

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Praefke Brake & Supply)	FINDING OF VIOLATION
Company)	
Milwaukee, Wisconsin)	EPA-5-99-WI-36
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Wisconsin and Praefke Brake & Supply Company (Praefke Brake), that U.S. EPA finds that Praefke Brake's facility located at 8075 N. 76th Avenue, Milwaukee, Wisconsin (now located in West Bend), is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Praefke Brake is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos fabricating operations, at 40 C.F.R. §§ 61.140 - 61.157, as follows:

Regulatory Authority

1. The NESHAPs for asbestos fabricating operations applies to Praefke Brake because its operations constitute the fabrication of friction products using commercial asbestos, as described in 40 C.F.R. § 61.147(a).

2. The NESHAPs, at 40 C.F.R. § 61.147(b)(3), requires the owner or operator of any fabricating operation to monitor each potential source of asbestos emissions from any part of the fabricating facility, including air cleaning devices, process

equipment and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring shall be by visual observation of at least 15 seconds duration per source of emissions.

3. The NESHAPs at 40 C.F.R. § 61.147(b)(5), requires the owner or operator of any fabricating operation to maintain records of among other things, the results of the visible emissions monitoring.

4. The NESHAPs at 40 C.F.R. § 61.147(b)(6), requires the owner or operator of any fabricating operation to retain a copy of all monitoring and inspection records for at least 2 years.

5. The NESHAPs at 40 C.F.R. § 61.150(a)(1)(v) requires that for asbestos-containing waste material that is to be transported off the facility site, containers or wrapped materials must be labeled with the name of the waste generator and the location at which the waste was generated.

Factual Background

6. Praefke Brake owned and operated a friction product fabricating operation located at 8075 N. 76th Street, Milwaukee, Wisconsin until June 1999, at which time it moved operations to 133 Oak Street, West Bend, Wisconsin.

7. Praefke Brake's Milwaukee facility was subject to the aforementioned regulations for fabrication of friction products containing asbestos, because its processes involve processing of a manufactured product containing commercial asbestos, including bonding, debonding, grinding, sawing, drilling, or other similar operations.

Violations

8. On March 17, 1999, a WDNR inspector reviewed records at the Milwaukee facility and noted that Praefke Brake was not conducting or maintaining records of visible emissions monitoring for all process vents to the outside air. This is a violation of 40 C.F.R. §§ 61.147(b)(3), 61.147(b)(5), and 61.147(b)(6).

9. On March 17, 1999, a WDNR inspector also noted that Praefke Brake had not been labeling its bagged asbestos-containing waste material with the company name and location. This is a violation of 40 C.F.R. § 61.150(a)(1)(v).

9/20/99

Date

135/14 FOR

Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker , certify that I sent a Finding of
Violation by Certified Mail, Return Receipt Requested, to:

Gordon E. Praefke, President
Praefke Brake & Supply Company
133 Oak Street
West Bend, Wisconsin 53095

I also certify that I sent copies of the Finding of
Violation by first class mail to:

Lloyd Eagan, Director
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, Wisconsin 53707

Lakshmi Sridharan, Regional Air Leader
Southeast Region
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212

on the 21 day of September, 1999.

Shanee Rucker
Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: P140 777049